

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PATRICIA HENRY, et al.,

Plaintiffs,

vs.

C.R. ENGLAND, INC, et al.,

Defendants.

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Case No. 4:09CV01871AGF

**ORDER**

This matter is before the Court for examination pursuant to Rule 4(m), Federal Rules of Civil Procedure.

Plaintiff commenced this action on **November 13, 2009**, naming **C.R. England, Inc. and Matthew Fehlman** as defendants. A review of the Court file shows that defendant(s) **Matthew Fehlman** has not been served in this matter nor has service been waived on its behalf. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the plaintiff, is directed to dismiss an action against a defendant upon whom service has not been made within 120 days after the filing of the complaint.

The Rule 4(m) period for service expires **March 15, 2010**, 120 days after the filing of plaintiff's complaint.

Therefore,

**IT IS HEREBY ORDERED** that plaintiff shall cause service to be effected upon defendant **Matthew Fehlman** not later than **March 15, 2010**. In the absence of good cause shown, failure to timely serve said defendant shall result in the dismissal of plaintiff's claims as to said defendant without prejudice.

Dated this 3rd day of March, 2010.

  
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AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE